

Defendant.

)
)
)
)
) Civil Action Number:
) 1:10-cv-02658-JOF
)
)
)
)

3. I am a partner in the law firm Seyfarth Shaw LLP (“Seyfarth” or the “Firm”) and practice in its Atlanta office, which is located at 1075 Peachtree Street NE, Suite 2500, Atlanta, Georgia 30309. I am chair of the Atlanta Department of

the Firm's Labor & Employment Group and a leader in the Firm's National Wage & Hour Litigation Practice Group. I have been practicing for over ten years, and I devote the majority of my practice to defending employers in state, federal, and hybrid wage-hour litigation. In this regard, I have handled approximately 100 wage-hour lawsuits, in addition to countless counseling engagements to advise employers of their obligations under wage-hour laws.

4. Assisting me in this matter is Kevin Young, an associate in my department and a member of the Firm's National Wage & Hour Litigation Practice Group. Mr. Young graduated from Vanderbilt University Law School in May 2008. Now entering his fourth year of practice, Mr. Young devotes nearly all of his time to defending and advising employers in matters arising under the Fair Labor Standards Act and its state law corollaries.

5. My time in preparing Defendant's Opposition to Plaintiff's Motion to Compel and For Sanctions in this matter was charged to Defendant at a rate of \$495.00 per hour. This rate is a considerable discount from my standard rate that I customarily charge our clients.

6. Mr. Young's time in preparing Defendant's Opposition to Plaintiff's Motion to Compel and For Sanctions in this matter was charged to Defendant at a rate of \$275.00 per hour. Mr. Young's rate is also discounted.

7. Attached to this Declaration at Exhibit A is detailed summary of the fees that Seyfarth, as Counsel for Defendant, charged to Defendant in the course of opposing Plaintiff's Motion to Compel and For Sanctions. Exhibit B includes more detailed billing statements depicting the same data. I performed all of the work shown on this exhibits that is attributable to me, and Mr. Young performed the work shown on these exhibits that is attributable to him. The fees Defendant seeks to recover do not include various paralegal fees, case clerk fees, and research costs, some portion of which were "written off"; accordingly, these amounts are excluded from the exhibits.

8. As shown in the attached exhibits, we billed Defendant \$841.50 for 1.7 hours of my work in preparing Defendant's Opposition to Plaintiff's Motion to Compel and For Sanctions. My first time entries were for 0.2 hours on May 21, 2011, when I reviewed the motion that Plaintiff filed the pervious evening, and 0.5 hours on May 27, 2011, when I directed Mr. Young in the preparation of the Opposition brief. My next time entry was 1.0 hours on June 2, 2011, when I reviewed and revised the Opposition brief that Mr. Young had drafted. I did not bill Defendant for a great deal of work that I did directing Mr. Young's preparation of our Opposition brief, reviewing the brief, and locating and reviewing emails and other materials for submission with the brief.

9. As shown in the attached exhibits, we billed Defendant \$8,497.50 for 30.9 hours of Mr. Young's work in preparing Defendant's Opposition to Plaintiff's Motion to Compel and For Sanctions. The bulk of this time was spent researching the pertinent case law and drafting Defendant's opposition brief. In addition, Mr. Young's work includes time he spent searching through months of email to identify, and present for this Court's review, all pertinent correspondence regarding the parties' discovery dispute. This time also includes 2.2 hours of work, during which Mr. Young prepared and filed a motion to extend the discovery-based deadlines in this matter (*i.e.*, deadline for motions for summary judgment) in light of Plaintiff's Motion to Compel and For Sanctions; it was not until after that motion was filed that Plaintiff agreed to consent to the motion.

10. Accordingly, the time spent in preparing Defendant's opposition brief is properly depicted as follows:

Biller	Hours	Rate to Defendant	Total
Brett C. Bartlett	1.7	\$ 495.00	\$ 841.50
Kevin M. Young	30.9	\$ 275.00	\$ 8,497.50
Total			\$ 9,339.00

11. In addition, as shown in the attached exhibits, we billed Defendant \$8,085.00, for 3.0 hours of my time and 24.0 hours of Mr. Young's time, for our work from the time the Court entered its August 9, 2011 Opinion & Order and

August 16, 2011. This work was necessary to prepare the instant Motion for Reasonable Expenses of Opposing Plaintiff's Motion to Compel, which the Court directed Defendant to prepare in line with *Norman v. Housing Auth.*, 836 F.2d 1292 (11th Cir. 1988) and *ACLU v. Barnes*, 168 F.3d 423 (11th Cir. 1999) in order to recover its reasonable expenses under Rule 37(a)(5)(B) of the Federal Rules of Civil Procedure. This figure is conservative, as it does not include the time spent finalizing and filing Defendant's Motion, and its supporting documents, after the execution of this declaration.

12. Accordingly, the time spent in preparing Defendant's Motion for Reasonable Expenses of Opposing Plaintiff's Motion to Compel, as directed by the Court in order to recover Defendant's reasonable expenses under Rule 37(a)(5)(B) of the Federal Rules of Civil Procedure, is properly depicted as follows:

Biller	Hours	Rate to Defendant	Total
Brett C. Bartlett	3.0	\$ 495.00	\$ 1,485.00
Kevin M. Young	24.0	\$ 275.00	\$ 6,600.00
Total Time			\$ 8,085.00

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24th day of August, 2011.



 Brett C. Bartlett